

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUSTIN C. L.¹

6:21-cv-1316 (BKS/TWD)

Plaintiff,

v.

KILOLO KIJAKAZI, Acting Commissioner of Social
Security,²

Defendant.

Appearances:

Plaintiff pro se:

Justin C. L.
Utica, NY 13501

For Defendant:

Carla Freedman, United States Attorney
Jason P. Peck, Special Assistant United States Attorney
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Justin C.L. filed this action under 42 U.S.C. § 405(g) seeking review of a decision by the Commissioner of Social Security (the “Commissioner”) denying his application for Disability Insurance Benefits. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Thérèse Wiley Dancks for a Report and Recommendation. (Dkt. No. 23);

¹ In accordance with the local practice of this Court, Plaintiff’s name has been abbreviated to protect his privacy.

² Pursuant to Fed. R. Civ. P. 25(d), the current Acting Commissioner of Social Security, Kilolo Kijakazi, has been substituted in place of her predecessor, Commissioner Andrew Saul.

Local Rule 73.2(d). On January 30, 2023, after reviewing the parties' briefs and the Administrative Record, (Dkt. Nos. 11, 30–31, 35), Magistrate Judge Dancks issued a Report and Recommendation recommending that the Commissioner's decision be affirmed and that Plaintiff's complaint be dismissed. (Dkt. No. 38). Magistrate Judge Dancks advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the Report and Recommendation, and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 26). Neither party filed an objection to the Report and Recommendation.

As no objection to the Report and Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report and Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report and Recommendation for clear error and found none, the Court adopts the Report and Recommendation in its entirety.

For these reasons, it is hereby


ORDERED that Magistrate Judge Dancks's Report and Recommendation (Dkt. No. 38) is **ADOPTED**; and it is further

ORDERED that the Commissioner's decision is **AFFIRMED**; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**

IT IS SO ORDERED.

Dated: February 27, 2023
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge